with the information packet. (Specification, p. 6, ¶ 0013.) When the first server 130 determines that it is not handling the connection associated with the information packet, it constructs a query information packet and forwards the query information packet to switch 110. (*Id.*) A response information packet from switch 110 includes a secondary network address of a second server (for example, server 140) that will handle the connection associated with the information packet.

The Examiner concedes that *Hensbergen* fails to teach or suggest a "response information packet includ[ing] a secondary network address of a server that is handling the connection associated with the information packet," as recited in Applicant's claim 1, and relies on *Beck* for allegedly disclosing such features. (Office Action, pp. 3:17-4:3.) *Hensbergen* also fails to disclose or suggest, among other features, a "query information packet includ[ing] query information for a switch," as recited in Applicant's claim 1.

*Hensbergen* provides for handling network client requests and initiating transmission control protocol splicing. (*Hensbergen*, col. 1:10-12.) The system of FIG. 3 of *Hensbergen* includes a client 300, switch 305, node A 310 and node B 320. (*Id.* at col. 7:4-6; FIG. 3.) Switch (120 in FIG. 1, 305 in FIG. 3) is programmed to distribute new, or initial, requests from client 300 to network nodes, such as nodes 310 and 320 in a distributed fashion (e.g., as a round-robin approach). (*Id.* at cols. 2:59-62, 7:10-12; FIG 3.) Switch 305 opens connection c1 to node A (125 of FIG. 1, 310 of FIG. 3). (*Id.* at cols. 3:1-4, 7:12-13; FIG 3.) Node A 310 accepts connection c1 and determines whether to handle the client request or handoff the client request to another node. (*Id.* at cols. 3:1-8, 7:23-26; FIG 3.) For instance, node A 310 may determine that node B (130 in FIG. 1, 320 in FIG 3) is better suited to handle client's

300 request and, as such, open connection c2 to node B 320 through switch 305. (*Id.* at cols. 3:7-19, 7:35-42; FIG 3.)

In *Hensbergen's* so called "handoff and request forwarding processing," node A 310 sends HAND packet 352 to switch 305 informing switch 305 of the handoff from node A 310 to node B 320. (*Id.*) Switch 305 processes HAND packet 352 and updates its mapping tables in order to splice client 300's original connection c1 to node B 320. (*Id.*) In addition, reverse mapping data is stored in mapping tables of switch 305 to redirect node B 320's responses back to client 300. (*Id.* at cols. 3:13-19, 7:61-8:7) After switch 305 has spliced the client 300's connection c1 to node B 320, new requests from client 300 are redirected by switch 305 to node B 320. (*Id.*)

The Examiner apparently asserts that switch 305, node A 310 and node B 320 correspond, respectively, to Applicant's claimed "switch," "first server" and "server that is handling the connection." (Office Action, pp. 2-3.) In addition, the Examiner apparently asserts that HAND packet 352, and FIN packet 354 correspond to Applicant's claimed "query information packet include[ing] query information for a switch" and "response information packet include[ing] a secondary network address of a server that is handling the connection associated with the information packet," respectively. (*Id.*) Applicant disagrees.

When node A 310 determines that node B 320 should handle a request, node A 310 opens a connection c2 to node B 320. (*Hensbergen*, col. 7:23-28.) Node A 310 then sends HAND packet 352 to switch 305 informing the switch to map the handoff from node A 310 to node B 320. (*Hensbergen*, cols. 3:10-12, 7:35-37.) Based on the information in HAND packet 352, switch 305 updates its mapping address tables to designate node B 320 for handling the requests. (*Id.* at 7:37-40.) Thus, node A 310 informs switch 305 that node B 320 will handle the connection. A packet that informs switch 305 to update its mapping tables cannot be considered a "query information packet includ[ing] query information for a switch," as recited in Applicant's claim 1. Accordingly, *Hensbergen* fails to disclose or suggest Applicant's claimed "query information packet."

Moreover, in response to HAND packet 352, switch 305 sends FIN packet 354 to node A 310 to instruct node A 310 to close its connection with node B 320. (*Id.* at 7:40-42.) *Hensbergen* does not disclose or suggest that FIN packet 354 includes any information regarding node B 320. Thus, FIN packet 354 cannot be considered to correspond to a "response information packet includ[ing] a secondary network address of a server that is handling the connection associated with the information packet," as recited in Applicant's claim 1. Accordingly, *Hensbergen* also fails to disclose or suggest Applicant's claimed "response information packet."

*Beck* does not overcome the above-noted deficiencies of *Hensbergen*. *Beck* is directed to a network cluster 24 in FIG. 2, including processor nodes 10a-c, in which data packets are directed to a specific cluster using alias addresses. (*Beck*, col. 4: 29-45.) Each processor node 10 has the ability to distribute data packets within cluster 24. (*Id.*) Data packets distributed by a processor node 10 include a network layer address of the originating processor node and the destination processing node. (*Id.* at 4:10-14.)

The Examiner cites *Beck* for allegedly disclosing "a secondary network address of a server that is handling [a] connection associated with an information packet." (Office Action, p. 4:1-3, *citing to Beck* col. 6:1-17.) However, *Beck* says nothing with regard to a "response information packet" or a "query information packet," as recited in Applicant's claim 1. *Beck*, therefore, does not disclose or suggest "constructing, by the first server, a query information packet includ[ing] query information for a switch; forwarding, by the first server, the query information packet to the switch" and "constructing, by the switch, a response information packet ... includ[ing] secondary network address of a server that is handling the connection" (emphasis added), as recited in Applicant's claim 1.

Because both *Hensbergen* and *Beck* fail to disclose or suggest the above-noted features of Applicant's claim 1, these references, taken alone or in combination, cannot support a rejection of claim 1 under 35 U.S.C. § 103(a). Claim 1 is therefore patentable over *Hensbergen* and *Beck*. Claims 2-11 are patentable at least due to their dependence from claim 1.

Claim 12, although of different scope than claim 1, recites features similar to those recited in claim 1. Accordingly, claim 12 is patentable for reasons similar to those set forth above with regard to claim 1. Claims 13-22 depend from claim 12 and are also patentable.

Furthermore, there would have been no motivation for one of ordinary skill in the art to combine *Hensbergen* and *Beck*. The Examiner alleges that *Beck* suggests modifying *Hensbergen* "for the purpose of redirecting information to a selected nodded over a network." (Office Action, p. 4:4-6.) However, *Hensbergen* already discloses redirecting packets between node A 310 and node B 320. (*Hensbergen*, col. 7:4-6.) Nothing in *Beck* suggest modifying *Hensbergen's* system to "provide an additional means to specify 'the processor node ... to which [a] data packet should be directed' by including a secondary network address to identify the indented destination of the packet." (Office Action, p. 4:7-9, emphasis added.) Including a secondary network address would be duplicative of the network address already provided in *Hensbergen* . (*See, e.g., Hensbergen*, col. 7:37-40.) Neither *Hensbergen* nor *Beck* discloses or suggest a need for such redundancy Indeed, modifying the system of *Hensbergen* as suggested by the Examiner would merely add superfluous data to the packets. Accordingly, one skilled in the art would not have any reason to modify *Hensbergen* or combine it with *Beck* in the manner purported by the Examiner. For the reasons above, there is insufficient motivation to support a *prima facie* case of obviousness for rejecting claims 1-22 under 35 U.S.C. § 103(a).

In light of the foregoing remarks, Applicant respectfully requests reconsideration and allowance of the above-captioned application. Should any residual issues exist, the Examiner is invited to contact the undersigned at the number listed below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: August 22, 2007

By: Reg. No. 56,636
for Patrick C. Keane
Registration No. 32,858

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620